

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **Status of Claims:**

Claims 1, 14, 24 and 25 have been amended, whereby the amendment made to claim 1 is not to change the scope of that claim, but rather to fix a minor problem in that claim (see the previous amendments made to independent claim 22, for example). The amendments made to claims 14, 24 and 25 are grammatical in nature or they fix a dependence problem identified in the Office Action, and also do not affect the scope of those claims.

No claims have been added or canceled.

Claims 1-12 and 14-25 remain pending in this application.

### **Objection to Claim 14:**

Based on the amendment made to claim 14 so that it now correctly depends from claim 1, the objection to claim 14 has been overcome.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, claims 1-6, 9, 10 and 14-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,571,401 (Lewis 1) or U.S. Patent No. 6,290,911 (Lewis 2) in view of U.S. Patent No. 5,720,862 (Hamamoto et al.), U.S. Patent No. 5,658,443 (Yamamoto et al.), U.S. Patent No. 6,103,033 (Say et al.) or U.S. Patent No. 6,784,274 (Van Antwerp et al.), further in combination with JP 08-254,520; and claims 7, 8, 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,720,862 (Hamamoto et al.), U.S. Patent No. 5,658,443 (Yamamoto et al.), U.S. Patent No. 6,103,033 (Say et al.) or U.S. Patent No. 6,784,274 (Van Antwerp et al.), further in combination with JP 08-

254,520, and still further in combination with U.S. Patent No. 6,572,826 to De Witt et al. These rejections are traversed for at least the reasons given below.

The Office Action appears to rely on the newly-cited JP 08-254,520 reference to teach or suggest the “post processing features” that were added to each of the independent claims in the previously-filed reply. Applicants respectfully disagree. In particular, independent claim 1 recites that the post-processing comprises:

exposing the second layer to either a non-polar substance or a polar substance,  
wherein the exposing step is performed in cycles over a predetermined time  
period.

Turning now to JP 08-254,520, that reference discloses that a chemical sensor is composed of a combination of a measuring electrode coated with a chemical sensing film and a reference electrode, whereby the reference electrode is formed by dropping a raw material solution and leaving it under solvent atmosphere which can dissolve or swell, or by heat treating. With all due respect, this description in JP 08-254,520 does not teach or suggest exposing a second layer to either a non-polar substance or a polar substance, and this description in JP 08-254,520 does not teach or suggest performing an exposing step in cycles over a predetermined time period. No exposing in cycles is even hinted at in JP 08-254,520, and thus this rejection is hard to fathom.

To provide further proof of these lack of teachings in JP 08-254,520, a machine language translation of JP 08-254,250 obtained from the Japanese Patent Office (JPO) web site is included with this reply, whereby there is no mention in JP 08-254,250 of exposing a second layer to either a non-polar substance or a polar substance, and there is no mention in JP 08-254,250 of performing an exposing step in cycles over a predetermined time period.

Accordingly, since none of the other cited art of record rectifies the above-mentioned deficiencies of JP 08-254,520 (as implicitly acknowledged in the Office Action), each of the presently pending independent claims 1 and 21 is patentable over the cited art of record.

In its rejection of claims 1-6, 9, 10 and 13-22, the Office Action does not mention the features of claim 13, whereby such features are not believed to be taught or suggested by any of the cited art of record, alone or in combination.

Accordingly, independent claims 1 and 21 are patentable over the cited art of record.

Still further, dependent claims 24 and 25 recite that the exposing step comprises:

exposing the second layer to BOTH the non-polar substance and the polar substance at respective saturated vapor concentrations for the non-polar substance and the polar substance. In its rejection of claims 24 and 25, the Office Action again relies on JP 08-254,520. However, JP 08-254,520 says nothing about exposing a second layer to both a non-polar substance AND a polar substance at respective SATURATION VAPOR CONCENTRATIONS for the non-polar substance and the polar substance.

Thus, contrary to the assertions made in the Office Action, the polar substance and the non-polar substance are applied as VAPORS to the second layer, and not as liquids. Since JP 08-254,520 says nothing about exposing a second layer with vapors of a non-polar substance and a polar substance, it is far removed from the specific features recited in claims 24 and 25.

Accordingly, dependent claims 24 and 25 are patentable for these additional reasons beyond the reasons given above for their respective base claims.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this response, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 24, 2007  
FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5535  
Facsimile: (202) 672-5399

By Phillip J. Articola  
Phillip J. Articola  
Attorney for Applicants  
Registration No. 38,819